HEARING DELAYS SHAW'S TRIAL

THE STATES-ITEM

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The perjury trial of Clay L. Shaw, scheduled to begin today, was postponed until a federal judge holds a hearing on a defense petition asking that the charges be quashed.

The defense said District Attorney Jim Garrison has "a financial interest" in prosecuting Shaw in a followup to the John F. Kennedy assassination case tried in 1969.

Criminal District Court Judge Malcolm H. O'Hara convened the perjury trial at 10 a.m. today but quickly reset it for Wednesday morning when defense attorneys told him they were seeking in federal district court a permanent injunction against prosecution of Shaw.

THE MATTER NOW rests in the hands of Federal District Court Judge Herbert W. Christenberry, who was ordered by the Fifth District Court of Appeals to give Shaw a hearing on his petition.

DA Garrison contends Shaw lied when he testified at his 1969 trial that he did not know or ever saw Lee Harvey Oswald or David Ferrie, both named as co-conspirators in the assassination of the late President John F. Kennedy.

Judge Christenberry, who earlier had denied a restraining order to the defense, set a conference with attorneys for both sides at 9 a.m. tomorrow.

Shaw, accused by Garrison of conspiring to kill the President, was found innocent March 1, 1969, after a 34-day trial before then Criminal District Court Judge Edward A. Haggerty Jr. The jury deliberated only one hour before returning the unanimous verdict.

THE PERJURY charges were filed two days after the acquittal. In the petition delivered to the federal courts

—States-Item photo.

Clay L. Shaw arrives for perjury trial
Followed by attorney F. Irvin Dymond

today, Shaw's attorneys said the charges are vindictive and ridiculous.

Representing Shaw are Irvin Dymond, Edward Wegmann, William Wegmann and Salvador Panzeca. In the petition presented in federal court, they held that by the recent publication of his book, "Heritage of Stone," which deals with the assassination of Kennedy, Garrison has established a financial interest in the continued prosecution of Shaw.

The petition also holds that Garrison's chief witness against Shaw—Perry Raymond Russo—discredited the state's perjury charges by testifying that the alleged plot against President Kennedy's life was only a "bull session."

At the trial, Russo said he saw Shaw, the late David Ferrie and the late Lee Harvey Oswald, at a party discussing the murder of Kennedy. But, Russo said in his testimony, the alleged discussion about the murder could be labeled a "bull session."

SHAW'S PETITION holds that Russo's characterization of the discussion as a "bull session" removes any testimony by Shaw from the label of perju-

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ry under the definitions of perjury in Louisiana law.

In a brief press conference at the Criminal District Court, Dymond emphasized that Shaw still denies having known Ferrie or Oswald. But, Dymond said, Russo's testimony makes the entire matter irrelevant.

In the petition, Shaw held that Garrison's publication of his book also makes the DA "a full-fledged member, and ostensibly the leader, of the scavengers of the Warren Report."

JOHN VOLZ, FIRST assistant district attorney, appearing in court for the DA's office, said the last-minute filing of motions by Dymond and his associates was intended only to delay the trial.

Volz, who succeeded James L. Alcock as first assistant DA after Alcock was named a Criminal District Court judge recently, said Dymond could have filed his motions "at any time during the two years between when the original charges were filed and now." Alcock was the major figure in the prosecution against Shaw in 1969, although Garrison delivered the opening and closing statements for the prosecution. Garrison did not appear in court today.

The penalty for perjury is a maximum of 10 years' imprisonment.

Shaw, wearing a blue-grey suit, appeared in court 10 minutes before his trial was scheduled to begin. As during his 1969 trial, he appeared fit and in good spirits. He waved hello to several newsmen as he took his seat.

JUDGE O'HARA commenced the hearing after a closed-door session with prosecuting attorneys Volz, William Alford and Maurice Sciambra, and defense attorneys Dymond, William Wegmann and Panzeca.

The trial, if it begins Wednesday, will take place in Judge O'Hara's newly-decorated courtroom on the first floor of the Criminal District Courts Building.

O'Hara's court was in session at 9 a.m., handling routine business until Shaw appeared, at which time other matters were postponed for the beginning of proceedings in the perjury trial.

SECURITY PRECAUTIONS surrounding today's hearings were strict. However, the crush of newsmen and spectators was much less than in 1969 when the first Shaw trial attracted worldwide attention.

On hand today, and requested to return on Wednesday, were prospective members of the jury.

Judge O'Hara indicated he is anxious for the trial to get under way since nearly two years have elapsed since perjury charges were filed.

"I intend to start on Wednesday," O'Hara said. "If I'm enjoined (by the federal courts), then I'm enjoined."

THE WARREN Commission has concluded that Oswald, a one-time New Orleans resident, was the lone assassin who shot the President with a rifle in Dallas on Nov. 22, 1963. Oswald later was killed in a Dallas police station.

Ferrie, an eccentric former airline pilot, died of a brain hemorrhage Feb. 22, 1967, early in Garrison's probe.

Garrison contends that the Warren Commission report is a fraud and that the death plot was hatched in New Orleans by Shaw, Ferrie and Oswald at a meeting in Ferrie's apartment here.